

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Q2 SOFTWARE, INC.,
Plaintiff

v.

RADIUS BANK,
Defendant

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A-18-CV-00878-RP

ORDER

On January 10, 2020, pursuant to FED. R. CIV. P. 37(a)(5)(A), the undersigned ordered Defendant Radius Bank (“Radius”) to pay Plaintiff Q2 Software, Inc. (“Q2”) the reasonable and necessary attorney’s fees Q2 incurred in bringing its Renewed Motion to Compel and Motion for Sanctions. *See* Dkt. No. 42. The Court also directed Q2 to file an accounting detailing those fees and expenses. *See id.* On January 17, 2020, Q2 timely filed an accounting for fees totaling \$9,703.50. Dkt. No. 44. Radius did not file a response. On January 23, 2020, United States District Judge Robert Pitman referred Q2’s accounting to the undersigned for determination pursuant to 28 U.S.C. § 636(b)(1)(A), FED. R. CIV. P. 72, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. Dkt. No. 56.

The Court has reviewed Q2’s accounting and supporting declarations, and finds the fees to be necessary and reasonable for this community. *See Smith & Fuller, P.A. v. Cooper Tire & Rubber Co.*, 685 F.3d 486, 491 (5th Cir. 2012) (“The affidavits of counsel may alone be sufficient proof for purposes of Rule 37 to establish the amount of fees to be awarded.”); *see also Shumpert v. City of Tupelo*, 905 F.3d 310, 325-27 (5th Cir. 2018) (affirming award of fees under FED. R. CIV. P. 37(a)(5)(A)), *cert. denied*, 139 S. Ct. 1211 (2019); *Washington v. M. Hanna Const. Inc.*, 299 F. App’x 399, 402 (5th Cir. 2008) (same).

Accordingly, Radius is **ORDERED** to remit to Q2 through its counsel \$9,703.50 on or before
Friday, January 31, 2020.

SIGNED on January 27, 2020.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE